

REMARKS

Reconsideration and withdrawal of all grounds of rejection are respectfully requested in view of the above amendments and following remarks.

Claims 1-10 were rejected under 35 U.S.C. §112 on the grounds that reference to the hinge being biased towards open and closed positions was not fully understood. The Office Action inquired how the hinge can be biased in both positions and by what structure. The hinge is biased toward both the open and closed positions, though not at the same time, by virtue of movement of the serpentine generally L-shaped hinge (from a top view) such that the first end portion of the hinge disposed in a generally tubular sleeve rotates in an arcuate path around a hinge pin axis. When the first end portion of the hinge passes on or near a center reference line extending between the hinge pin axis and a second end portion of the hinge (both first and second end portions of the hinge extending generally parallel to the hinge pin axis), the distance between first and second end portions of the hinge is reduced and the resultant spring force urges the hinge toward one of the open and closed positions. It is believed that these features are described in the claims so as to be sufficiently definite within the meaning of §112. Reconsideration and withdrawal of this rejection is requested.

Claims 1-13 were rejected under 35 U.S.C. §102 as being anticipated by U.S. patent 3,889,316. Applicants respectfully disagree with the Office Action's position for the following reasons.

The '316 patent does not disclose all features of the claimed invention. The Office Action states that the device of the '316 patent includes a spring having a first portion 110b (Figs. 6 and 7) pivotally received in a sleeve 106 of a first bracket 62 and a spring second portion 110c contacting a second bracket 70, wherein the first and second spring portions 110b, 110c are generally parallel with a hinge pin 94. This is not what is disclosed in the '316 patent. The first and second end portions of the spring 110 shown in Fig. 6 of the '316 patent are *carried only on the first bracket 62*. The second

spring end portion 110c (Fig. 6) is carried by the first bracket 62 and the first spring end portion 110b is carried in recess 106 of the first bracket. The spring portion 110b contacts a cam 112, not the second bracket 70.

In addition, claim 1 states that the spring, when engaging the brackets, has a generally L-shape in a direction of the hinge pin axis (i.e., a top view). Refer to Figs. 3-5 of Applicants' present application for viewing the generally L-shape of the hinge in a top view. In contrast, the spring of the '316 patent is not in a generally L shape but rather is in a generally linear shape (see Fig. 7).

The hinge assembly of the '316 patent cannot operate in the manner of the claimed invention: it does not exhibit the claimed relationship of having a center reference line extending between a hinge pin axis and an axis of a second end portion of a serpentine, generally L-shaped spring (viewed in a direction of the hinge pin axis), wherein when the first end portion moves near the center line a distance between the first and second end portions of the spring is reduced thereby generating a spring force that urges the spring first portion away from the center line and the hinge toward one of the open and closed positions. Refer to the dotted line in Figs. 3-5 of Applicants' present application for a drawing showing an example of the center reference line (extending between hinge pin axis 32 and second end portion 82). In contrast, the "first" spring end portion 110b of the '316 patent does not even come near the center reference line between the hinge pin axis 94 and axis of the "second" spring end portion 110c. In addition, when end portion 110b travels closer to the center line (the solid lines compared to the dotted lines in Fig. 7) the device acts opposite to the manner of the claimed invention: the first and second end portions of the spring move farther apart in the '316 patent. In the present invention, when the first spring end portion 62 is near the center line 80 the first and second spring end portions 62, 64 are closer together (compare the distance D1 between the first and second spring end portions 62, 64 in Fig. 3 where first end portion 62 is farther from the center line versus distance D2 in Fig.

4 where first end portion 62 is on the center line). Therefore, the device of the '316 patent operates in a much different way than the claimed spring.

In addition, the Office Action refers to the end of the spring 110b located in a recess 106 as the first end portion of the spring. However, as shown in Fig. 7 of the '316 patent (dotted versus solid lines showing movement between two positions), the spring end portion 110b does not move in an arcuate path *relative to hinge pin 94*. That is, there is no spring end portion that moves in an arcuate path around the hinge pin axis (e.g., path P around hinge pin axis 32 as shown in Figs. 3 and 4 of Applicants' specification).

The function of the spring of the '316 patent involves interaction with the cam member shown in Figs. 6-9 to achieve closed, half-open and fully open positions, which is a different function than the spring of the invention which serves to bias the hinge toward open and closed positions when the first end portion of the spring travels near the center reference line.

The features of claims 5 and 11 are not disclosed by the '316 patent. These claims feature *hinge cavities configured to receive the hinge pins within the door* effective to enable the hinge to be hidden in open and closed positions of the door (e.g., see Fig. 5, door 38 of Applicants' specification). In contrast, as shown in Fig. 4 of the '316 patent the hinge is covered by a peripheral door surface and fender. There is no disclosure of *a cavity in a door that receives the hinge pin within the door* as in Applicants' claimed invention.

New claim 14 of the Applicants' invention features the first spring end portion, located inside the sleeve, being rotatable along a radial path around the hinge pin axis (see path P shown in Figs. 3-5 of Applicants' present application) and intersecting the center line between open and closed positions of the hinge. Also, the second end portion of the spring is connected to the second bracket in a fixed position. On the other

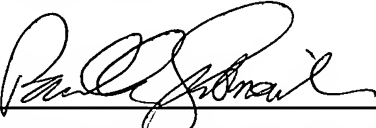
hand, the Office Action refers to the end of the spring 110b located in a recess 106 as the first end portion of the spring. However, as shown in Fig. 7 of the '316 patent (dotted versus solid lines showing movement between two positions), end portion 110b does not move in a radial path relative to hinge pin 94. Moreover, as described above, the spring end portion 110b does not travel near the center reference line between hinge pin 94 and end portion 110c when moving between open and closed positions, nor in intersection with the center reference line. Therefore, the features of claim 14 are not disclosed or suggested by the '316 patent.

It is respectfully submitted that the above amendments, taken together with the foregoing remarks, place all pending claims of this application in condition for allowance. Accordingly, withdrawal of all grounds of rejection and issuance of an early Notice of Allowance for this application is respectfully solicited.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. SSFC.36566.

Dated: March 3, 2005

Respectfully submitted,
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